IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA)			
	Plaintiff,) 8:07CR392)	
	vs.) DETENTION ORDER	
LU	IS MARQUEZ-RUBIO,) }	
	Defendant.	'	
A.	Order For Detention After waiving a detention hearing pursuant Act on December 7, 2007, the Court orde pursuant to 18 U.S.C. § 3142(e) and (i).	to 18 U.S.C. § 3142(f) of the Bail Reform rs the above-named defendant detained	
B.	conditions will reasonably assure the	because it finds: ence that no condition or combination of appearance of the defendant as required. to condition or combination of conditions	
C.	marihuana carries a minir and a maximum sentence (b) The offense is a crime of (c) The offense involves a nation (d) The offense involves a large (2) The weight of the evidence again (a) The history and characteristics of (a) General Factors: The defendant a may affect wheth X The defendant had the X The defendant of the company affect wheth X The defendant had the company affect wh	and includes the following: offense charged: ion with intent to distribute cocaine and num sentence of five years imprisonment of forty years imprisonment. violence. arcotic drug. ge amount of controlled substances, to wit: nst the defendant is high. of the defendant including: pears to have a mental condition which her the defendant will appear. as no family ties in the area. an have no steady employment. as no substantial financial resources. not a long time resident of the community. loes not have any significant community.	
	court proceeding (b) At the time of the current Probation Parole	s. arrest, the defendant was on:	

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	Release pending trial, sentence, appeal or completion of sentence.
(4	c) Other Factors:
(1	X The defendant is an illegal alien and is subject to
	deportation.
	The defendant is a legal alien and will be subject to
	deportation if convicted.
	X The Bureau of Immigration and Custom Enforcement
	(BICE) has placed a detainer with the U.S. Marshal.
	Other:
	nature and seriousness of the danger posed by the defendant's
rele	ase are as follows: The nature of the charges in the Indictment.
	outtable Presumptions
	etermining that the defendant should be detained, the Court also relied
	ne following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e)
	ch the Court finds the defendant has not rebutted:
<u>X</u> (a	a) That no condition or combination of conditions will reasonably
	assure the appearance of the defendant as required and the safety
	of any other person and the community because the Court finds that the crime involves:
	(1) A crime of violence; or
	(1) A clime of violence, of (2) An offense for which the maximum penalty is life
	imprisonment or death; or
	X (3) A controlled substance violation which has a maximum
	penalty of 10 years or more; or
	(4) A felony after the defendant had been convicted of two
	or more prior offenses described in (1) through (3)
	above, and the defendant has a prior conviction for one
	of the crimes mentioned in (1) through (3) above which
	is less than five years old and which was committed
	while the defendant was on pretrial release.
X (b) That no condition or combination of conditions will reasonable	
\	assure the appearance of the defendant as required and the safety
of the community because the Court finds that there is probable	
cause to believe:	
	X (1) That the defendant has committed a controlled
	substance violation which has a maximum penalty of
	10 years or more.
	(2) That the defendant has committed an offense under 18
	U.S.C. § 924(c) (uses or carries a firearm during and in
	relation to any crime of violence, including a crime of
	violence, which provides for an enhanced punishment
	if committed by the use of a deadly or dangerous
	weapon or device).

D. Additional Directives

- Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

 1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
 - The defendant be afforded reasonable opportunity for private consultation with counsel; and

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3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: December 7, 2007. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge